

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Philippe ROBERT

Group Art Unit: 2823

Application No.: 10/582,343

Examiner: K. PARENDO

Filed: June 9, 2006

Docket No.: 128275

For: MICROCOMPONENT COMPRISING A HERMETICALLY-SEALED
MICROCAVITY AND METHOD FOR PRODUCTION OF SUCH A
MICROCOMPONENT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 22, 2008 Restriction Requirement, Applicant provisionally elects Group I, claims 10-14, with traverse.

Applicant submits that the Restriction Requirement is in error for several reasons. It is alleged by the Patent Office that the product of Group I can be formed by a process other than by the method of Group II, and therefore the Groups are allegedly distinct. Specifically, the Patent Office describes forming a sacrificial layer, a "third layer," etching the first hole, then filling the first hole and covering the third layer with an additional sacrificial layer and the "second layer," and etching an additional hole.

However, if the third layer mentioned by the Patent Office corresponds to the claimed first layer with the first hole, and if the second layer mentioned by the Patent Office corresponds to the claimed third layer with the additional hole, then the method steps alleged in the Restriction Requirement correspond to the method steps of claim 15.

Alternatively, if the second and third layers alleged by the Patent Office correspond respectively to the second and third layers of claim 10, applicant submits that etching of the first hole after formation of the third layer cannot lead to the formation of a first hole in the first layer, as required by claim 10. It follows that etching an additional hole after formation of the second layer also cannot lead to the formation of an additional hole in the third layer, as required by claim 10. Thus, this alleged process cannot achieve the product of claim 10.

It is also respectfully submitted that the subject matter of all claims 10-18 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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WPB:ABW/tca

Date: October 16, 2008

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